

FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP

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**FACSIMILE TRANSMISSION**

# OFFICIAL

**DATE:** July 7, 2004

**MATTER NUMBER:**

10202193

<b>RECIPIENT(S):</b>	<b>FAX NO.:</b>	<b>PHONE NO.:</b>
<b>Examiner Michael Borin USPTO - Art Unit 1631</b>	<b>1571 273-0713 and 1703 872-9306</b>	<b>1571 272-0713</b>

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Serial No. 10/081,108

RE: LUD 5310.7 DIV

**NUMBER OF PAGES INCLUDING COVER**

**PAGE:**

**Message:**

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LIT 5310.7 DIV (10202193)

VIA Facsimile Transmission

This correspondence is being sent by facsimile to Examiner Michael Borin of Group Art Unit 1631 at fax numbers 703-872-9306 and 571-273-0713 addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, Va. 22313-1450 on the date shown below

Fulbright &amp; Jaworski L.L.P.

*Fani Malikopoulos* 7/7/04  
Fani Malikopoulos

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicant(s) : Pascale BOEL et al.  
Serial No : 10/081,108  
Filed : February 20, 2002  
For : ISOLATED NUCLEIC ACID MOLECULE ENCODING  
PEPTIDES WHICH FORM COMPLEXES WITH MHC  
MOLECULES HLA-CW\*1601 AND USES THEREOF  
Art Unit : 1631  
Examiner : Michael Borin

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RESTRICTION REQUIREMENT TO BE VACATED AND  
IMMEDIATE EXAMINATION**

SIR:

The Examiner issued a Restriction Requirement in this case on June 29, 2004, calling for restriction amongst claims 1-16.

By PRELIMINARY AMENDMENT dated February 20, 2002, claims 22-25 were pending **NOT** claims 1-16. Attached is a copy of applicants' return receipt postcard, where item "3" is a Preliminary Amendment, as well as a copy of that Preliminary Amendment.

This application has been pending for over 2½ years. Applicants believe examination on the merits is overdue.

Respectfully submitted,

FULBRIGHT &amp; JAWORSKI, L.L.P.

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125430935.1

NDH

Case # LUD-5310.7 DIV  
Date Mailed: February 20, 2002

Serial No.: Divisional of 09/435,524

**TITLE: ISOLATED NUCLEIC ACID MOLECULE ENCODING PEPTIDES WHICH FORM  
COMPLEXES WITH MHC MOLECULES HLA-CW\*1601 AND USES THEREOF**

The following was delivered by Express Mail (EL642033125US) to the U.S. Patent and  
Trademark Office on February 20, 2002.

1. Utility Patent Application Transmittal (3 pgs.)
2. Letter in accordance with 37 CFR §1.821(a)
3. Preliminary Amendment
4. Paper copy of sequence listing.
5. Application (49 pages including 8 sheets of drawings)
6. Declaration/Power of Attorney (executed) (3 pgs.)
5. Check #37193 in the amount of \$740.00



Please charge any additional fees to Deposit Account 50-0624. Please acknowledge receipt of  
these documents by stamping and returning this postcard.

LUD 5310 DIV JEL/NDH (09908011)

VIA EXPRESS MAIL  
"Express Mail" mailing label  
Number EL642033125US  
Date of Deposit: February 20, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under CFR 1.10 on the date indicated above, and is addressed to the Assistant Commissioner for Patents and Trademarks, BOX PCT Washington, D.C. 20231

FULBRIGHT &amp; JAWORSKI D.L.P.

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OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Boel, et al.  
Serial No. : Divisional of Serial No. 09/435,524.  
Filed : Herewith  
For : ISOLATED NUCLEIC ACID MOLECULE ENCODING  
PEPTIDES WHICH FORM COMPLEXES WITH MHC  
MOLECULES HLA-CW\*1601 AND USES THEREOF  
Group Art Unit : To be assigned.  
Examiner : To be assigned.

February 20, 2002

Hon. Commissioner of Patents  
and Trademarks  
Washington D.C. 20231

PRELIMINARY AMENDMENT

Prior to examination please amend this application as follows:

IN THE TITLE

Change the current title to -- Method For Determining BAGE Expression --.

IN THE SPECIFICATION

Please make the following changes without prejudice:

Page 1, lines 8-12:

Please delete the section entitled "Cross Reference to Related Applications" on page 1 lines  
8-12 and replace with the following:

25136821v1

LUD 5310 DIV JEL/NDH (09908011)

-- CROSS REFERENCE TO RELATED APPLICATIONS

This application is a divisional of Serial No. 09/435,524, filed November 8, 1999, now US Patent No. which is a divisional of copending application Serial No. 09/038,328 filed on March 11, 1998, which is a divisional of application Serial No. 08/573,186 filed on February 16, 1995, which is a divisional of application Serial No. 08/389,360 filed on February 16, 1995, which is a continuation-in-part of application Serial No. 08/196,630 filed February 15, 1994, now U.S. Patent No. 5,683,886 which is a continuation-in-part of application Serial No. 08/079,110 filed June 17, 1993, now U.S. Patent No. 5,571,711. All related applications and patents cited are herein incorporated by reference.

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Page 3, line 3: after "938,334," add -- now U.S. Patent No. 5,405,940 --

Line 22: after "1993" add -- now U.S. Patent No. 5,629,166 --

Line 28: after "herein" add -- now abandoned --

Page 4, line 10: after "1993" add -- now U.S. Patent No. 5,620,886 --

Line 16: after "1993" add -- "now U.S. Patent No. 5,571,711 --

Line 24: after "1994" add -- now U.S. Patent No. 5,683,886 --

Page 5, line 1: after "08/196,630" add -- now U.S. Patent No. 5,683,886 --

Page 14, line 7: change "cones" to -- clones --, --

LUD 5310 TV JEL/NDH (09908011)

**IN THE CLAIMS**

Cancel claims 1-21 without prejudice.

Add claims 22-25 which follow:

Claim 22: A method for screening for possibility of a disorder characterized by expression of a BAGE tumor rejection antigen precursor encoded by the nucleotide sequence of SEQ ID NO: 1, or comprising the amino acid sequence of SEQ ID NO: 2, comprising contacting a sample with an agent specific for said BAGE tumor rejection antigen precursor, and determining binding between said agent and said BAGE tumor rejection antigen precursor as a determination of possibility of said disorder.

Claim 23: The method of claim 22, wherein said agent is an antibody.

Claim 24: The method of claim 22, wherein said disorder is cancer

Claim 25: The method of claim 22, wherein said cancer is melanoma.

**REMARKS**

Entry of the amendment is requested.

Claims 22-25 represent subject matter that was withdrawn from consideration following a restriction requirement in the parent application.

Respectfully submitted,

FULBRIGHT & JAWORSKI, L.L.P.



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